

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

FTX TRADING LTD., *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 22-11068 (JTD)

(Jointly Administered)

FTX TRADING LTD. and MACLAURIN  
INVESTMENTS LTD.,

Plaintiffs,

-against-

LOREM IPSUM UG, PATRICK GRUHN, ROBIN  
MATZKE, and BRANDON WILLIAMS,

Defendants.

Adv. Pro. No. 23-50437 (JTD)

**MOTION OF PLAINTIFFS TO EXCEED PAGE LIMIT WITH RESPECT TO  
PLAINTIFFS' OMNIBUS MEMORANDUM OF LAW IN OPPOSITION TO  
DEFENDANTS PATRICK GRUHN, ROBIN MATZKE, AND LOREM IPSUM UG'S  
MOTION TO DISMISS AND DEFENDANT BRANDON WILLIAMS'S MOTION TO  
DISMISS OR FOR SUMMARY JUDGMENT**

Plaintiffs FTX Trading Ltd. and Maclaurin Investments Ltd. (collectively, "Plaintiffs"), hereby submit the *Motion of Plaintiffs to Exceed Page Limit with Respect to Plaintiffs' Omnibus Memorandum of Law in Opposition to Defendants Patrick Gruhn, Robin Matzke, and Lorem Ipsum UG's Motion to Dismiss and Defendant Brandon Williams's Motion to Dismiss or for Summary Judgment* (the "Motion"). In support of the Motion, the Plaintiffs state as follows:

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<sup>1</sup> The last four digits of FTX Trading Ltd.'s and Alameda Research LLC's tax identification number are 3288 and 4063 respectively. Due to the large number of debtor entities in these Chapter 11 Cases, a complete list of the Debtors and the last four digits of their federal tax identification numbers is not provided herein. A complete list of such information may be obtained on the website of the Debtors' claims and noticing agent at <https://cases.ra.kroll.com/FTX>. The principal place of business of Debtor Emergent Fidelity Technologies Ltd is Unit 3B, Bryson's Commercial Complex, Friars Hill Road, St. John's, Antigua and Barbuda.

### **BACKGROUND**

1. On July 12, 2023, Plaintiffs commenced the above-captioned adversary proceeding in the United States Bankruptcy Court for the District of Delaware (the “Court”) against Defendants Patrick Gruhn, Robin Matzke, Lorem Ipsum UG (collectively, the “LI Defendants”) and Brandon Williams (“Williams,” and together with the LI Defendants, “Defendants”) by filing a complaint [Adv. D.I. 1] (the “Complaint”).

2. On August 23, 2023, the Court approved the *Case Management Plan and Scheduling Order* [Adv. D.I. 9], which extended the deadline for Defendants to answer, move or otherwise respond to the Complaint to October 27, 2023.

3. On October 25, 2023, Williams filed the *Motion to Dismiss or for Summary Judgment* along with his opening brief in support thereof [Adv. D.I. 23] (the “Williams Motion to Dismiss”), totaling twenty-nine pages. Additionally, the LI Defendants filed the *Motion by Defendants Lorem Ipsum UG Patrick Gruhn and Robin Matzke’s for Leave to Exceed Page Limit With Respect to Their Motion to Dismiss* [Adv. D.I. 26] (the “LI Defendants’ Motion to Exceed Page Limit”), requesting that the Court grant them leave to exceed the page limit set by Rule 7007-2 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”). The Court granted the LI Defendants’ Motion to Exceed Page Limit on October 26, 2023 [Adv. D.I. 30] authorizing the LI Defendants to file an opening brief in support of their motion to dismiss of not more than forty pages.

4. On October 27, 2023, the LI Defendants filed their motion to dismiss the Complaint [Adv. D.I. 31] and opening brief in support thereof [Adv. D.I. 32] (collectively, the “LI Defendants’ Motion to Dismiss”), which totaled thirty-eight pages.

5. On November 3, 2023, Williams filed his supplemental *Motion to Dismiss for Lack of Subject Matter Jurisdiction* and opening brief in support thereof [Adv. D.I. 34] (the “Williams Supplemental Motion to Dismiss,” and together with the Williams Motion to Dismiss and the LI Defendants’ Motion to Dismiss (the “Motions to Dismiss”), which totaled ten pages.

6. Contemporaneously herewith, the Plaintiffs have filed *Plaintiffs’ Omnibus Memorandum of Law in Opposition to Defendants Patrick Gruhn, Robin Matzke, and Lorem Ipsum UG’s Motion to Dismiss and Defendant Brandon Williams’s Motion to Dismiss or for Summary Judgment* (the “Memorandum in Opposition”) responding to all arguments made by the Defendants in all Motions to Dismiss. Excluding exhibits, the as-filed Memorandum in Opposition is 52 pages.

### **RELIEF REQUESTED**

7. By this Motion, Plaintiffs respectfully request the entry of an order substantially in the form attached hereto as Exhibit A (the “Proposed Order”), authorizing the Plaintiffs to exceed the page limit requirement for the Memorandum in Opposition.

### **BASIS FOR RELIEF**

8. Local Rule 7007-2(a)(iv) provides that “no opening or answering brief shall exceed thirty (30) pages in length.” Del. Bankr. L. R. 7007-2(a)(iv). However, Local Rule 7007-2(a)(iv) also provides that an opening or answering brief may exceed thirty (30) pages with leave of the Court. Del. Bankr. L. R. 7007-2(a)(iv).

9. The Plaintiffs have filed their Memorandum in Opposition to the Motions to Dismiss. The Memorandum in Opposition is 52 pages long and sets forth the bases for denying the Motions to Dismiss. The Memorandum in Opposition is an omnibus response to Defendants’

three separate Motions to Dismiss and memoranda of law in support thereof that total seventy seven pages that raise various complex and distinct legal arguments for dismissing the Complaint.

10. Although Plaintiffs have made the Memorandum in Opposition as succinct as possible, they are unable to provide the Court with the information necessary for the full and fair adjudication of the Motions to Dismiss within the thirty-page limit. The three Motions to Dismiss and memoranda in support thereof, including one that sought and was granted leave to exceed the thirty-page limit, include various and differing important legal and factual arguments. Put simply, the scope and complexity of the factual and legal arguments asserted in these Motions to Dismiss make it impossible for Plaintiffs to respond appropriately within the confines of the thirty-page limit proscribed by the Local Rules.

11. Authorizing Plaintiffs' Memorandum in Opposition to exceed the page limitation set under Local Rule 7007-2 is reasonable and appropriate under the circumstances. Given the circumstances, *i.e.*, where the Memorandum in Opposition is an omnibus response to three different motions to dismiss and memoranda in support thereof that combined total seventy seven pages with different legal and factual arguments in support of the Motions to Dismiss, the Plaintiffs submit that there is more than ample justification for the relief requested herein.

12. Counsel for Plaintiffs conferred with counsel to the Defendants in advance of filing this Motion and the Defendants have advised that they consent to the requested relief.

### **CONCLUSION**

WHEREFORE, the Plaintiffs respectfully request that this Court enter the Proposed Order, substantially in the form submitted herewith (i) granting Plaintiffs leave for the Memorandum in Opposition to exceed the page limitation imposed by Local Rule 7007-2 and (ii) granting such other and further relief as is just and proper.

Dated: December 15, 2023  
Wilmington, Delaware

**LANDIS RATH & COBB LLP**

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